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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,373	08/04/2005	Richard John Thompson	UDL1P016/GJA/pw/P400410US	4786
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Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			EXAMINER BOCHNA, DAVID	
			ART UNIT 3679	PAPER NUMBER
			MAIL DATE 07/07/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/519,373

Applicant(s)

THOMPSON, RICHARD JOHN

Examiner

David E. Bochna

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-48 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 26, 27 and 31-48 is/are rejected.
7) ☒ Claim(s) 28-30 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 26-27, 31-34 and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Sieckert et al.

In regard to claim 26, Sieckert discloses a coupling member (fig. 7) for coupling a first section of trunking 13 to a second section of trunking 14, the coupling member comprising:- a body having first and second elongate members 33 on 57 and 58, the body defining first and second surfaces 55 adapted to respectively engage a first flange 18 on a first section 13 of trunking and a second flange 19 on a second section 19 of trunking, and a third surface 56 connecting said first and second surfaces and adapted to provide a substantially continuous surface (33 on 56) with respective external surfaces of said first and second sections of trunking in use; and at least one connecting member 60, 62, 63 for joining distal ends of said first and second elongate members (33 on 57 and 58).

In regard to claim 27, wherein said first and second surfaces 55 have at least one retaining device 47 adapted to retain said surfaces with respective first and second flanges 18,19.

In regard to claim 31, wherein said body (fig. 7) is substantially U-shaped and said connecting member 60, 62, 63 is substantially linear.

In regard to claim 32, further comprising at least one guide device 35 extending from a fourth surface, connecting said first and second surfaces 55 and opposing said third surface, at least one said guide device being adapted to extend within at least one of said first or second trunking sections.

In regard to claim 33, wherein at least one said guide device is adapted (44, 45) to be bent towards internal surfaces of said trunking sections 13, 14.

In regard to claim 34, further comprising at least one gasket seal 39.

In regard to claim 48, Sieckert et al. discloses a trunking system comprising:

at least one first section of waterproof trunking 13 having a body portion having at least one inlet for a cable, wherein at least one inlet comprising a respective open channel 16, a respective flange 18 extending inwardly of at least one said channel, and adapted to engage at least one further trunking section 14;

at least one respective lid 23 for covering said channel; and

at least one coupling member 47 for coupling said first section 13 of trunking to a second section of trunking 10, the coupling member having a body having first and second elongate members 33, the body defining first and second surfaces 55 adapted to respectively engage a first flange 18 on a first section of trunking and a second flange 18 on a second section of trunking, and a third surface 53 connecting said first and second surfaces and adapted to provide a substantially continuous surface (33 on 53) with respective external surfaces of said first and second sections of trunking 13, 14 in use, and at least one connecting member 30b, 22 for joining distal ends of said first and second elongate members 33.

3. Claims 35-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Dwyer '402.

In regard to claim 35, Dwyer disclose a section of waterproof trunking comprising:

a body portion 41 defining at least one inlet for a cable, and having at least one aperture (top) for allowing access to an inside of said body portion, wherein the or each said aperture is adapted to receive a respective cover device 49 thereon; and

a flange 27 provided on at least one respective said inlet, extending internally thereof and adapted to engage at least one further trunking section 10.

In regard to claim 36, wherein said aperture 41 extends along more than 95% of the length of a side.

In regard to claim 37, wherein at least one said cover device 49 is a lid adapted to cover all of said side containing said aperture and to extend at least partially along two adjacent sides of the section.

In regard to claim 38, wherein the or each flange 27 extends from said side substantially perpendicular to said side.

In regard to claim 39, wherein said flange 27 is a single flange extending from all sides of the trunking section.

In regard to claim 40, further comprising at least one guide device 30 extending from said flange towards an internal section of said trunking section 10 and adapted to extend within a further trunking section.

In regard to claim 41, wherein at least one said guide device 30 is adapted to be bent towards internal surfaces of said further trunking section 10.

In regard to claim 42, further comprising at least one gasket seal 29 attached to the or each flange.

In regard to claim 43, Dwyer discloses a section of waterproof trunking comprising:
a body portion 40 having at least one inlet for a cable, wherein at least one inlet comprising a respective open channel 41; and
a respective flange 27 extending inwardly of at least one said channel; and adapted to engage at least one further trunking section 10.

In regard to claim 44, further 27 comprising three substantially planar sides arranged perpendicular to each other.

In regard to claim 45, wherein side portions extend toward each other from two of said three planar sides and thereby define an opening to said open channel.

In regard to claim 46, wherein said trunking section is retained to a further trunking section by at least one coupling device (bolts).

In regard to claim 47, further comprising at least one gasket seal 29.

Allowable Subject Matter

4. Claims 28-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to the rejection(s) of claim(s) 26-34 and 48 under Dwyer have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection was made in view of Sieckert et al.

6. Applicant's arguments with respect to claims 35-47 have been fully considered but they are not persuasive.

Applicant argues that Dwyer does not disclose a flange provided on at least one respective inlet, extending internally thereof and adapted to engage at least one further trunking section. The Examiner disagrees. Dwyer discloses a flange 27 provided on at least one respective inlet (the left inlet side of 41), extending internally thereof (27 extends internally) and adapted to engage at least one further trunking section (27 engages portion 16 of trunking section 10).

Applicant argues that the object of the present invention is to connect sections of trunking in a way to produce a continuous surface between the connected sections of trunking along with several other objects of the invention. However, the structural limitation of a continuous outer surface between adjacent trunking members is not present in claims 35-47. Therefore, the rejection of claims 35-47 in view of Dwyer has been maintained.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David E. Bochna/
Primary Examiner, Art Unit 3679